

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

BRIAN D. WILCOX AND)
RAYLENE WILCOX)
Plaintiff,)
vs.)
THE TRAVELERS INDEMNITY)
COMPANY OF AMERICA)
Defendant.)

Civil Action No. _____
Jury Demand

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant, The Travelers Indemnity Company of America, removes this case to the United States District Court for the Middle District of Tennessee, Nashville Division, pursuant to 28 U.S.C. Secs. 1441 and 1446. The grounds for the removal are as follows:

1. Plaintiffs filed the above-styled action on September 10, 2009 against The Travelers Indemnity Company of America in the Circuit Court of Rutherford County, Tennessee in Murfreesboro, Tennessee. The suit is styled: *Brian D. Wilcox and Raylene Wilcox v. The Travelers Indemnity Company of America*, docket number 09-1320CV. A true and correct copy of the pleading is attached hereto as Exhibit A.

2. The suit was served on this Defendant on September 30, 2009.

3. Other than the filing of the Complaint, no proceedings have taken place in this matter. The Travelers Indemnity Company of America removes this action to the United States District Court for the Middle District of Tennessee, Nashville Division pursuant to the provisions of 28 U.S.C. Sec. 1441 on the grounds that this Court has jurisdiction pursuant to 28 U.S.C. Sec 1332.

4. Plaintiffs, Brian D. Wilcox and Raylene Wilcox allege in the Complaint that they are residents of the State of Tennessee.

5. The Travelers Indemnity Company of America is correctly alleged in the Complaint to be a foreign corporation engaged in the sale and issuance of property insurance in Tennessee. It is a Connecticut insurance company.

6. This dispute is between persons of different states and the amount in dispute is in excess of \$75,000.00, exclusive of costs and interest; therefore, it meets the jurisdictional requirements of this Court pursuant to the provisions of 28 U.S.C. § 1332(a).

7. Venue is correct herein because Plaintiffs' action is pending in Rutherford County, Tennessee.

7. Counsel for this Defendant has served on counsel for Plaintiffs a Notice of Removal. Copies of the Notice of Removal and Petition for Removal have been filed in the Rutherford County Circuit Court by this Defendant within 30 days of service of the Complaint on Defendant.

WHEREFORE, please take notice that Defendant, The Travelers Indemnity Company of America, removes the state action styled *Brian D. Wilcox and Raylene Wilcox v. The Travelers Indemnity Company of America*, docket number 09-1320CV from the Circuit Court of Rutherford County at Murfreesboro, Tennessee, where it is now pending, to the United States District Court for the Middle District of Tennessee on this the 28th day of October, 2009.

Respectfully submitted,

SPICER RUDSTROM PLLC

/s/ Marc O. Dedman
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*Attorneys for The Travelers Indemnity
Company of America*

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been sent via United States mail, postage prepaid, and properly addressed to:

Joshua Burnett
Alan S. Marshall
Marshall Thomas Burnett
214 West Main Street
Murfreesboro, TN 37130

this 28th day of October, 2009.

/s/ Marc O. Dedman
Marc Dedman